

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**ELECTRONIC PAYMENT
PROVIDERS, INC. d/b/a
BILLINGTREE,**

Plaintiff,

v.

**S&R MANAGEMENT GROUP, LLC
d/b/a A&D GROUP, KEVIN SUGG,
and JOHN SUGG,**

Defendants.

Civil Action No. 3:16-CV-799-RJC-DSC

**ORDER GRANTING PLAINTIFF'S
MOTION TO COMPEL DISCOVERY**

THIS MATTER is before the Court on Plaintiff's Motion to Compel Discovery. (document #16). Defendants have not responded to the Motion and the time for filing a response has expired. Having carefully considered the Motion, briefing, record, and relevant Rules, the Court finds that Plaintiff's Motion should be granted.

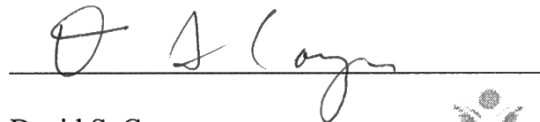
Defendants failed to respond timely to Plaintiff's First Set of Requests for Admission, Interrogatories, and Requests for Production of Documents (the "Discovery Requests"), which were served on February 3, 2017. Defendants served delinquent written responses to the Discovery Requests on March 17, 2017, and failed to produce any responsive documents. Defendants did not verify their interrogatory responses, nor did they respond fully and completely to interrogatories 3, 4, 5, 7, and 8. Plaintiff attempted in good faith to address the deficiencies in Defendants' discovery responses. The Court concludes that Defendants and Defendants' counsel shall pay Plaintiff's reasonable expenses pursuant to Rule 37(a)(5)(A) of the Federal Rules of Civil Procedure.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Compel Discovery is **GRANTED**.
2. Within seven days of this Order, Defendants shall:
 - a. respond in full to the interrogatories propounded by Plaintiff, including interrogatories 3, 4, 5, 7, and 8;
 - b. provide verifications to their interrogatory responses; and
 - c. perform a reasonably diligent search and produce all documents in their possession, custody, or control that are responsive to Plaintiff's requests for production of documents.
3. Pursuant to Rule 36(a)(3) of the Federal Rules of Civil Procedure, the requests for admission propounded by Plaintiff are deemed admitted.
4. Within seven days of this Order, Plaintiff shall file an affidavit of its reasonable expenses incurred in making this Motion, including attorneys' fees.

SO ORDERED.

Signed: May 18, 2017

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

